

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director

625 Broadway, 12th Floor, Albany, New York 12233-7011

P: (518) 402-9706 | F: (518) 402-9020

www.dec.ny.gov

SENT VIA EMAIL ONLY

May 24, 2016

Mr. Walter E. Mugdan, Director
Emergency and Remedial Response Division
United States Environmental Protection Agency
Region 2
290 Broadway, Floor 19
New York, New York 10007-1866

RE: Li Tungsten, Site No. 130046
OU1 Amended Record of Decision and Explanation of
Significant Difference
New York State Concurrence

Dear Mr. Mugdan:

The New York State Department of Environmental Conservation (DEC) and the New York State Department of Health (DOH) have reviewed the Proposed Amended Record of Decision and Explanation of Significant Difference (ESD) (dated May 2016) for the Li Tungsten Site. We understand the proposed remedy for this site addresses contaminated soil and groundwater, designated as United States Environmental Protection Agency (EPA) Operable Unit 1 (OU1) and documents the change in final designation of appropriate uses for Parcels A and Lower Parcel C. The proposed remedy and ESD, which conforms to the DEC selected remedy for the Captain's Cove Site remedy, includes:

- Excavation and off-site disposal of metals-contaminated soil that exceeds 175 mg/kg arsenic and 660 mg/kg lead Impact-to-Groundwater (IGW) cleanup levels, with the exception of certain areas that are adjacent to storm sewer systems and underground electric and natural gas services, and/or below the water table. (Removal of approximately 7,000 cubic yards of metals-contaminated soil from Lower Parcel C is estimated.)
- Post-excavation sampling to ensure that soil cleanup levels have been met prior to backfilling.
- A minimum of 2-feet of clean soil, with an underlying demarcation layer, or structures such as buildings, pavement, and sidewalks placed over the entire Site property as part of development.
- Groundwater monitoring until maximum contaminant levels (MCLs) are achieved.

- Development of a Site Management Plan including a soil management plan addressing the excavation and management of residual contamination.
- Evaluation of the potential for soil vapor intrusion in future buildings developed on-site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion.
- Implementation of institutional controls in the form of an environmental easement which allows restricted residential use as defined in 6NYCRR Part 375-1.8(g)(2)(ii) for Parcel A, Parcel B and Upper Parcel C; commercial/ use as defined in 6NYCRR Part 375-1.8(g)(2)(iii) for Lower Parcel C; groundwater use controls; evaluation of compliance with an approved Site Management Plan; and periodic certifications.

The proposed remedy will have a public comment period from May 26, 2016 to June 24, 106 and will presented to the public on June 13, 2016. It is understood that comments from the meeting and comment period will be presented and answered in a Responsiveness Summary to be included with the final documents, when issued. With this understanding, we concur with the proposed remedy for the Li Tungsten OU1.

If you have any questions or need additional information, please contact Mr. Gerard Burke at (518) 402-9813.

Sincerely,



Robert W. Schick, P.E.
Director
Division of Environmental Remediation

ec: Doug Garbarini, EPA, Region 2
Salvatore Badalamenti, EPA, Region 2
Lorenzo Thantu, EPA, Region 2
Krista Anders, DOH
Charlotte Bethoney, DOH
Bridget Boyd, DOH
Michael Cruden, DEC
Gerard Burke, DEC
Walter Parish, DEC
Heidi Dudek, DEC